

EXHIBIT "C"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARRY C. FLYNT, LFP VIDEO :
GROUP, LLC, AND LFP IP, :
LLC, :
Plaintiffs, :
vs : Case No.
FLYNT MEDIA CORPORATION, : 2:09-cv-00048-AHM (RZx)
a Delaware Corporation; :
JIMMY FLYNT, II; DUSTIN :
FLYNT; and DOES 1 through :
10 inclusive, :
Defendants. :

Deposition of: JIMMY FLYNT

Taken: By the Plaintiffs
Pursuant to Notice

Date: Wednesday, October 21, 2009

Time: 10:20 a.m.

Place: Reminger Co. LPA
525 Vine Street
Suite 1700
Cincinnati, Ohio 45202

Before: Lisa L. Weisenberger, RPR
Notary Public - State of Ohio

Pages: 1 - 77.

COPY

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1 JIMMY FLYNT,
2 being by me first duly cautioned and sworn, deposes
3 and says as follows:

DIRECT EXAMINATION

BY MR. BROWN:

6 Q. Good morning, Mr. Flynt. As you
7 probably know, I represent the plaintiffs in a case
8 that is pending in the Central District of
9 California. Can you kindly state and spell your
10 name for the record.

11 A. Well, first of all, I thought that
12 you and your firm, Paul Cambria, represented me. Am
13 I mistaken about that?

Q. I have never represented you, so --

15 A. Well, I am a witness. Paul Cambria
16 has represented me for over 30 years in the '70s, in
17 the '90s, and the 2000s, both on a personal and
18 professional basis, criminally, civilly. So you are
19 a representative of Paul's. That leads me to
20 believe that you represent me.

21 Q. Well, Mr. Flynt, your attorneys had
22 every opportunity to file some type of motion. And
23 we are now here for the second time in Cincinnati
24 trying to take your deposition, and I find it very
25 puzzling that we are now here, again, and now there

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1 is a new issue that has arisen. So, you know, if
2 your attorneys want to move for a protective order,
3 so be it.

MR. HOJNOSKI: The witness is asking a lawyer what his relationship is with the witness.

MR. BROWN: I'm not here to answer questions, Bob. I am here to ask questions. And I think you know that.

MR. HOJNOSKI: So you refuse to answer that question?

MR. BROWN: Bob, I am not here to answer questions. This is a deposition of your client. And if this was an issue that was so burning and important --

MR. HOJNOSKI: It's been raised with Mr. Covatta for months.

MR. BROWN: Well, you have an opportunity to do something about it. It is called seeking a protective order. And if you believe you have a basis -- if your client believes there is a rational, logical basis for some type of motion, then go ahead and bring it.

MR. HOJNOSKI: Uh-huh. He is not

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<p>1 refusing to answer your questions. He 2 asked you a question. If you are not 3 going to answer it, you're not going to 4 answer it, and we'll move on.</p> <p>5 MR. BROWN: Okay. Let's move on. 6 BY MR. BROWN:</p> <p>7 Q. Can you kindly state and spell your 8 name for the record, please.</p> <p>9 A. Jimmy, with a Y, F-l-y-n-t.</p> <p>10 Q. Okay. Mr. Flynt, as you know, you 11 have been placed under oath. You understand 12 anything you say here today is subject to penalties 13 of perjury. Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And when I ask you questions 16 today, if you don't understand the question, you 17 need to let me know that; is that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And as you know -- I am sure 20 you know, but I will repeat it anyway. Today we 21 have a court reporter that is with us. She is 22 sitting to your left, and she will be taking down 23 everything that is said today. Do you understand 24 that?</p> <p>25 A. Yes.</p>	<p>1 A. Late summer, fall of 2008. 2 Q. And how did you -- how did you come 3 to know about that?</p> <p>4 A. Best I remember, Larry informed me 5 that Dustin was at a convention representing a Flynt 6 company.</p> <p>7 Q. And would you know the name of that 8 convention?</p> <p>9 A. No.</p> <p>10 Q. Okay. And it was Larry that informed 11 you of that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And did -- after learning of 14 that information, did you seek out Dustin?</p> <p>15 A. No. Everything -- nothing -- just 16 nothing was mentioned of that until -- until a few 17 months later. January of '08 Larry called me and 18 informed me that they were at a convention in 19 Las Vegas using the Flynt name.</p> <p>20 Q. Okay. Is that the second time 21 that --</p> <p>22 A. Yes.</p> <p>23 Q. -- it was brought to your attention?</p> <p>24 A. Right.</p> <p>25 Q. Did your -- prior to January -- and</p>
<p>1 Q. Okay. And she is going to be 2 preparing a transcript for your review. Do you 3 understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you will have an 6 opportunity to review the transcript and make any 7 corrections that you deem necessary.</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you also understand that 10 if you make a correction or a change to the 11 transcript that counsel for either party may comment 12 to the jury or to the judge about the corrections at 13 the time of trial?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And, Mr. Flynt, are you the 16 brother of Larry Claxton Flynt?</p> <p>17 A. Yes.</p> <p>18 Q. Are you the father of Jimmy R. Flynt, 19 II?</p> <p>20 A. Yes.</p> <p>21 Q. Are you the father of Dustin Flynt?</p> <p>22 A. Yes.</p> <p>23 Q. When did you first hear of the 24 formation of a company known as Flynt Media 25 Corporation?</p>	<p>1 was it '08 or '09; do you recall?</p> <p>2 A. In '08 prior to the '08 convention.</p> <p>3 Q. Okay. And prior to that date in 4 January of '08 when you had this conversation with 5 Larry, prior to that did you have any conversations 6 with your sons regarding Flynt Media Corporation?</p> <p>7 A. Very casually because probably -- 8 when they were terminated at the end of '07, our 9 relationship was a little estranged. So we didn't 10 communicate because I think they felt that I should 11 have done more to prevent their termination.</p> <p>12 So after a while they understood that 13 I had no control of their termination. So later 14 that year we did talk. But they did not discuss 15 with me their projects, what they were working on, 16 and they left me out of the circle of business. I 17 heard it from no other people in the industry, had 18 no contact with those people in the industry, 19 because there was very difficult times at that time 20 that my brother and I were going through, you know, 21 on a personal basis and no communication with my 22 boys with regard to that. But things did start 23 heating up in January when they did the launch 24 party, as Larry put it, in Las Vegas.</p> <p>25 Q. Okay. So just so I am clear, prior</p>
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3 (Pages 6 to 9)

Page 10	Page 12
<p>1 to the Las Vegas launch party, you didn't have any 2 role in the formation of the company in any way?</p> <p>3 A. No, I did not.</p> <p>4 Q. Okay. Did you give your sons any -- 5 prior to the January launch date, did you give any 6 advice to your sons about forming this company?</p> <p>7 A. No.</p> <p>8 Q. When did you first have 9 conversations -- well, let me back up. Did you ever 10 have a conversation with your sons about the 11 formation of Flynt Media Corporation?</p> <p>12 A. After Larry talked to me in January.</p> <p>13 Q. Okay. And who did you talk with?</p> <p>14 A. I believe I spoke to both of them 15 that day that Larry called me. It was the 8th or 16 9th of January. And, basically, Larry told me to 17 have the boys drop the name, Flynt, and leave the 18 convention. That was the first call.</p> <p>19 And then a second day went by and 20 they were still promoting the company in Vegas and 21 at that time he informed me -- Larry informed me 22 that if I didn't have them drop that name that he 23 was going to cut my pay off, stop my pay, and I -- I 24 suppose that they had -- they had started a lawsuit 25 or cease and desist. I don't exactly know. But he</p>	<p>1 A. No.</p> <p>2 Q. Did you lend any money to Dustin 3 Flynt prior to the formation of Flynt Media 4 Corporation?</p> <p>5 A. No.</p> <p>6 Q. Did you ever have any involvement 7 with Flynt Media Corporation --</p> <p>8 A. No.</p> <p>9 Q. -- whatsoever?</p> <p>10 Did you ever discuss the issue of 11 insurance with your sons?</p> <p>12 A. No.</p> <p>13 Q. To your knowledge, who owns Flynt 14 Media Corporation?</p> <p>15 A. I don't know.</p> <p>16 Q. Are you familiar with an entity known 17 as Empire Wells?</p> <p>18 A. No.</p> <p>19 Q. Do you have any shares of Flynt Media 20 Corporation?</p> <p>21 A. No.</p> <p>22 Q. Have you lent money to Flynt Media 23 Corporation?</p> <p>24 A. No.</p> <p>25 Q. Have you been promised any kind of</p>
<p>1 informed me that he was going to stop my pay to fund 2 his lawsuit against my boys.</p> <p>3 Q. Okay. Now, backing up, I want to 4 know about your first conversations with your sons 5 regarding -- after you spoke with Larry in January. 6 Did you have conversations with your sons?</p> <p>7 A. Yes. I told them what Larry's wishes 8 were, what his -- what he had requested and then 9 what he had demanded.</p> <p>10 Q. And did you ever discuss with the 11 boys maybe changing the name?</p> <p>12 A. No.</p> <p>13 Q. Did you ever ask them why they 14 weren't using their first names?</p> <p>15 A. No.</p> <p>16 Q. Do you know anything about how the 17 company, Flynt Media Corporation, how it was 18 capitalized?</p> <p>19 A. No.</p> <p>20 Q. You didn't have any investment in the 21 company; is that correct?</p> <p>22 A. No.</p> <p>23 Q. Did you loan Jimmy -- your son, 24 Jimmy -- any money prior to the formation of Flynt 25 Media Corporation?</p>	<p>1 compensation from Flynt Media Corporation?</p> <p>2 A. No.</p> <p>3 Q. Do you have any information 4 concerning the decision to name the company Flynt 5 Media Corporation?</p> <p>6 A. No.</p> <p>7 Q. Do you have any information 8 concerning the naming of a DVD line with the name 9 Flynt?</p> <p>10 A. No.</p> <p>11 Q. Were you ever consulted by your sons 12 concerning an adult DVD line named Flynt?</p> <p>13 A. No.</p> <p>14 Q. Earlier you testified about a 15 conversation you had with your sons concerning 16 Larry's wishes and demands. After you conveyed 17 those, have you had -- did you have any additional 18 conversations with your sons concerning changing the 19 name?</p> <p>20 A. Sure. I continued -- after the 21 January date of the demand to change from Larry, I 22 continued to talk to Larry. He continued to advise 23 me of the money that he was spending with his 24 lawyers and that he had to recoup that money and 25 that money was going to come from my compensation.</p>

4 (Pages 10 to 13)

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1 I kept sharing that with my brothers — or with my
 2 boys and I told them my future was at stake, my job.
 3 And I shared with them on a continuous basis for
 4 about a month of what Larry's wishes and demands
 5 were.

6 We got on into February and things
 7 heated up then to the point of where it was time, I
 8 guess, to stop my pay. He was in — Larry was on a
 9 trip to Europe. I suppose he called human resource,
 10 and Paul Cambria sent an e-mail to Lou Sirkin
 11 indicating that Larry was going to stop my pay if I
 12 didn't control my boys.

13 So about the middle — we get paid
 14 every two weeks. So my money was put in my account
 15 for the first pay period of February. A day or a
 16 few hours later that money was backed out of my
 17 account, backed out of Chase out of my account, by,
 18 I suppose, human resource. So that, basically, my
 19 pay stopped in February, as he indicated.

20 Then shortly thereafter, for some
 21 reason, he sent me a check for \$10,000, indicated
 22 maybe to help me with my bills. Never did quite
 23 understand that.

24 But in the meantime, my benefits were
 25 left intact. My insurance was left intact. And he

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1 I had indicated that I was losing my pay on a
 2 regular basis. My boys have not changed the name
 3 evidently. They did not follow my request. What
 4 was I to do? I had no control.

5 Q. Do you recall at any point in time
 6 having a conversation with your sons about the
 7 possibility of your brother suing them if they set
 8 up an adult DVD company?

9 A. No. That was an ongoing thing that
 10 after — in January, I guess, the suit had been
 11 filed.

12 Q. Okay. Well, prior to the suit being
 13 filed, I just —

14 A. No.

15 Q. -- wanted to know --

16 A. No. No. No. I didn't get involved
 17 until Larry engaged me to get involved in January.

18 Q. Did you have any conversations with
 19 anyone else concerning Flynt Media Corporation other
 20 than your attorneys, Larry, and your sons?

21 A. No.

22 Q. Did you ever talk to anybody else in
 23 the industry concerning —

24 A. No.

25 Q. -- Flynt Media Corporation?

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1 indicated, I guess, in depositions that I was — I
 2 wasn't being paid because the money was going to
 3 lawyers to fund the suit, but my benefits were
 4 intact.

5 So that's basically what happened.
 6 You know, and today I don't know my employment
 7 status. Maybe you could tell me. As my lawyer, you
 8 could tell me my status. I have tried to get
 9 information from Cambria's office, Diane Roberts. I
 10 have requested my status, my human resource records.
 11 I can't seem to get any indication, any proof that I
 12 am — I am discharged or if I am an employee, if I
 13 am being paid. I don't know my status. Maybe you
 14 could tell me, Mr. Brown.

15 Q. Mr. Flynt, again, I'm not here to
 16 answer questions.

17 Going back to my question, though, I
 18 wanted to know about any conversations you had with
 19 your boys post the conversations you have already
 20 told me about post January/February of '08.

21 A. I talked to my boys on a regular
 22 basis and — because I talked to my brother on a
 23 regular basis. And he insisted that I convey to my
 24 boys to drop the suit, to drop the name. I kept
 25 telling him that I had passed that word on to them,

1 A. No.

2 Q. Talk to anybody at AVN --

3 A. No.

4 Q. -- concerning the lawsuit?

5 A. No.

6 Q. Talk to Mike Warner concerning the
 7 lawsuit?

8 A. No.

9 Q. Talk to Theresa Flynt concerning the
 10 lawsuit?

11 A. No.

12 Q. Talk to Michael Klein about the
 13 lawsuit?

14 A. No.

15 Q. You currently don't have any type of
 16 position with Flynt Media Corporation, do you?

17 A. No.

18 Q. What about Empire Wells?

19 A. No.

20 Q. How about any company associated with
 21 your sons?

22 A. No.

23 Q. Are you aware of any business
 24 plans -- written business plans -- that your sons
 25 may have been involved with?

5 (Pages 14 to 17)

	Page 18		Page 20
1	A. No.	1	A. No.
2	Q. Are you aware of any contracts or	2	Q. Okay. Post lawsuit?
3	agreements that Flynt Media Corporation may have	3	A. Recently I saw a site called Flynt
4	been involved with?	4	Nation.
5	A. No.	5	Q. Okay. FlyntNation.com?
6	Q. Are you aware of any contracts or	6	A. Yes.
7	agreements that your sons may be parties to	7	Q. Okay. And are you aware of any other
8	involving adult motion pictures?	8	websites that your sons may have set up?
9	A. No.	9	A. No.
10	Q. Are you aware of the type of products	10	(Trial Exhibit 3 was
11	that Flynt Media Corporation was planning on		referenced.)
12	releasing?		
13	A. I never saw the product.	11	MR. BROWN: Okay. Dan, I am just
14	Q. Okay. Are you aware of what type of	12	going to turn real quick to Trial Exhibit
15	product it was?	13	No. 3.
16	A. I imagine it was adult product. I	14	BY MR. BROWN:
17	don't know.	15	Q. And, Mr. Flynt, I just put in front
18	MR. DeCARLO: Calls for speculation.	16	of you a hard copy printout from the website
19	A. I never seen a movie.	17	flyntdistribution.com. Do you see the document?
20	(Trial Exhibit 2 was	18	A. Yes.
	referenced.)	19	Q. Okay. Have you ever seen this
21		20	document before?
22	MR. BROWN: Okay. I am going to --	21	A. No.
23	this is Trial Exhibit No. 2, Dan.	22	Q. Do you recall ever seeing a website
24	MR. DeCARLO: Okay.	23	by the name of flyntdistribution.com?
25	MR. BROWN: Here you go.	24	A. No.
	Page 19		Page 21
1	MR. SIRKIN: I'm not over 18. You	1	Q. Do you recall ever seeing the name
2	can't disseminate it to me.	2	Flynt Corp. on anything involving your sons?
3	MR. BROWN: Mr. Sirkin says he's	3	A. Date?
4	under the age of 18, so I am in trouble,	4	Q. Prior to the lawsuit being commenced.
5	Dan, for putting Exhibit 2 in front of	5	A. No.
6	him.	6	Q. After the lawsuit?
7	MR. COVATTA: Mentally he is under	7	A. Yes.
8	the age of 18.	8	Q. Okay. What did you see?
9	BY MR. BROWN:	9	A. I saw a business card recently and,
10	Q. Okay. Mr. Flynt, I just handed you a	10	like I said, the FlyntNation.com recently.
11	document. It's our Trial Exhibit No. 2. Have you	11	Q. Okay. And prior to your deposition
12	ever seen this document?	12	today, did you review any documents?
13	A. No.	13	A. No.
14	Q. Do you have any idea of what this	14	Q. And prior to your deposition today,
15	document is?	15	did you speak with your sons?
16	A. It looks like a sleeve cover for a	16	A. No.
17	DVD/VHS.	17	Q. Prior to your deposition today, did
18	Q. Are you aware of any products	18	you speak with anybody about the deposition?
19	whatsoever that your sons intended to distribute	19	A. My attorneys that there was an up and
20	bearing the name Flynt?	20	coming deposition.
21	A. No.	21	Q. Okay. And I'm not interested in what
22	Q. Are you aware of any websites that	22	might have been discussed between you and your
23	your sons had set up to distribute adult products?	23	attorneys, but I am interested in the -- in whether
24	MR. DeCARLO: Objection as to time.	24	or not you have had conversations with anyone else.
25	Q. Well, prior to the lawsuit?	25	A. No.

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 Q. Did you ever speak with Mr. DeCarlo? 2 A. No. 3 Q. You understand Mr. DeCarlo, who is on 4 the phone with us now, represents your sons in the 5 litigation that is pending? 6 A. That is what I heard this morning, 7 yes. 8 Q. Okay. Have you had conversations 9 with anyone from Mr. DeCarlo's law firm? 10 A. No. 11 Q. Are you familiar with a law firm in 12 Las Vegas that represents your sons? 13 A. No. 14 Q. Do you have any attorneys in 15 Las Vegas? 16 A. No. 17 Q. Are you aware that your son, Dustin 18 Flynt, recently filed an application in front of the 19 United States Patent and Trademark office for the 20 trademark "Dustin Flynt"?</p> <p>21 A. No. 22 Q. Did you discuss in any way with 23 Dustin Flynt his trademark application? 24 A. No. 25 Q. Have you at any time -- at any time</p>	<p>1 (Trial Exhibits 6 and 7 were referenced.) 2 3 MR. DeCARLO: Okay. 4 MR. BROWN: They are -- I don't know 5 why they were separated originally. I 6 would have put them together, but -- 7 MR. DeCARLO: I have them. 8 MR. BROWN: Okay. 9 BY MR. BROWN: 10 Q. Here you go. All right. Mr. Flynt, 11 I am handing to you Exhibits -- Trial Exhibits 6 and 12 7. Have you ever seen either the first or the 13 second page I have shown you? Have you ever seen 14 that before at any time? 15 A. Is -- oh, this was a -- I guess a 16 party they had in Las Vegas. I don't remember 17 seeing this, but it looks -- I don't remember -- I 18 don't recall seeing these images. 19 Q. Did you attend the launch party in 20 Las Vegas? 21 A. No. 22 Q. Were you in Las Vegas at the time? 23 A. Yes. 24 Q. What were you doing the night of the 25 event?</p>
<p style="text-align: right;">Page 23</p> <p>1 had any conversations with your sons related to 2 business advice? 3 A. No. 4 Q. Do you have any knowledge concerning 5 the production of DVDs -- of your sons' production 6 of DVDs? 7 A. No. 8 Q. Do you have any knowledge of your 9 sons' plans to distribute adult DVDs? 10 A. No. 11 Q. Do you have any knowledge of your 12 sons' plans to distribute adult videos via the 13 Internet? 14 A. No. 15 Q. How about any other form of 16 electronic distribution? 17 A. No. 18 Q. Do you know a gentleman by the name 19 of James Bases? 20 A. Yes. 21 Q. Have you had any conversations with 22 him concerning your sons' enterprise? 23 A. No. 24 MR. BROWN: Okay. Dan, I am going to 25 go to Trial Exhibit 6 and 7.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 25</p> <p>A. Well, I wasn't at the event. Q. Did you -- did you speak with your sons at all at the event? A. I spoke to them on a regular basis. Not at the event. Q. I'm sorry. I meant -- well, you were there for a purpose, right? A. I have a residence in Las Vegas. Q. Okay. Did you attend the -- what is it? -- the AVN convention? A. No. Q. Okay. So you weren't -- you didn't -- you weren't attending any of the events related to the AVN expo? A. No. Q. Or award show? A. No. Q. Do you know anything about the decision to use the term "You know the name, you know the game"? A. No. Q. Did you ever speak with your sons about the phrase "You know the name, you know the game"?</p> <p style="text-align: right;">A. No.</p>

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 Q. Did you ever discuss in any way with 2 your sons the event that was held at Club Prive in 3 Las Vegas?</p> <p>4 A. No.</p> <p>5 Q. Were you aware that your sons were 6 sent a cease and desist letter at some time prior to 7 this event?</p> <p>8 A. No. Larry informed me of that.</p> <p>9 Q. Okay. Did you have any conversations 10 with your son about --</p> <p>11 A. No.</p> <p>12 Q. -- sons about a cease and desist 13 letter at any time?</p> <p>14 A. No. I only discussed that with 15 Larry.</p> <p>16 Q. And what was said?</p> <p>17 A. Basically, what he was doing legally 18 and his plans to sue and cease and desist, whatever 19 happens in a lawsuit. He was planning -- he was 20 planning legal action and somebody was going to have 21 to pay for it, and it wasn't going to be him.</p> <p>22 Q. Prior to the launch party are you 23 aware of any conversations that might have 24 occurred -- or have any knowledge of conversations 25 that might have occurred between Dustin, your son,</p>	<p style="text-align: right;">Page 28</p> <p>1 was infamous and I was famous.</p> <p>2 Q. Well, that is a good way to look at 3 it. Would you say your brother is more famous than 4 you?</p> <p>5 A. I would say he is more infamous.</p> <p>6 Q. When was the last time you appeared 7 on CNN being interviewed?</p> <p>8 A. Over the years I have been -- there 9 is a lot -- there is a lot of interviews with me. 10 But most recently, I haven't been on CNN, that I can 11 recall.</p> <p>12 Q. Okay. But your brother has?</p> <p>13 A. Not recently, that I can recall.</p> <p>14 Q. So if I was to rank who was the most 15 famous -- or infamous, if you will -- would you say 16 that your brother is more in the public eye than 17 you?</p> <p>18 A. I would say he is more infamous than 19 I am.</p> <p>20 Q. Right. But I am asking, as far as 21 ranking, where you might fall in the public eye and 22 the public perception. Do you think you have -- you 23 are more well-known than he is nationally?</p> <p>24 A. I would say that I am famous and my 25 brother is infamous. On what level nationally, I</p>
<p style="text-align: right;">Page 27</p> <p>1 and Larry, your brother, concerning Flynt Media 2 Corporation?</p> <p>3 A. No.</p> <p>4 Q. Concerning adult DVDs?</p> <p>5 A. No.</p> <p>6 Q. So from the time you were alerted or 7 became aware -- from Larry -- about Dustin at this 8 event sometime in the fall and until he had this 9 conversation with you about the cease and desist 10 letter, did this topic come up at all?</p> <p>11 A. No.</p> <p>12 Q. With anyone?</p> <p>13 A. No.</p> <p>14 Q. Were you ever party to any 15 conversations between Dustin and Larry post Dustin's 16 termination with the company?</p> <p>17 A. No. They were very close. I know 18 they spoke often. Dustin lived with him, lived in 19 his house. I wasn't privy to a lot of their 20 conversations.</p> <p>21 Q. And, Mr. Flynt, do you consider 22 yourself famous?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And in what way?</p> <p>25 A. Well, I always looked at it as Larry</p>	<p style="text-align: right;">Page 29</p> <p>1 don't know.</p> <p>2 Q. So you don't have, really, any 3 opinion as to whether or not your brother is more or 4 less famous than you?</p> <p>5 A. I would say that my brother is more 6 infamous than I am.</p> <p>7 Q. What about well-known? Let's get 8 away from the term "famous" and "infamous." Let's 9 just talk about well-known in the public eye. Would 10 you say your brother is more well-known than you?</p> <p>11 A. Down through the years I have stood 12 side by side with my brother in various venues in 13 front of different cameras: On a movie set, in a 14 movie, interviews. And like I said, Larry's famous 15 for different things than I am: Being infamous, 16 being outrageous, a rogue-type individual. He is an 17 infamous guy and I am a famous guy. I have stood 18 beside him and been part of him for 40 years. We 19 were always pretty much synonymous together.</p> <p>20 Q. Would you say the name Larry Flynt is 21 a household name?</p> <p>22 A. No.</p> <p>23 Q. Would you say the name Jimmy Flynt is 24 a household name?</p> <p>25 A. No.</p>

<p>1 Q. Would you say your brother is 2 well-known in the adult entertainment industry? 3 A. Yes. 4 Q. Would you say he is famous in the 5 adult entertainment industry? 6 A. He is famous for different reasons 7 than I am. Being a spokesman for that industry. 8 Q. Okay. And in what ways are you 9 famous? 10 A. Well, I grew up in the adult 11 industry, just like he did. I never took the podium 12 as many times as he did, but I was always by his 13 side. Both at a podium, in the courtrooms, in front 14 of various judges and prosecutors, I have always 15 been by his side. The adult industry has always 16 looked at us as, quote, the Flynt brothers on trial 17 again. They are together. 18 Q. Did you ever have any conversations 19 with your sons concerning the filing of an 20 injunction? 21 MR. DeCARLO: Objection. Vague. 22 Ambiguous. Calls for a legal conclusion. 23 Q. Well, let's back up. Are you aware 24 that your sons were enjoined from using the name 25 Flynt in isolation on their products?</p>	<p>1 Q. But do you understand at some point 2 in time a judge ordered your sons not to use the 3 name Flynt in isolation? 4 A. I – I'm not that familiar with the 5 legal terminology in the period of time that you are 6 talking about. 7 Q. Okay. Let's back up. At some point 8 in time after the Las Vegas convention did you ever 9 become aware – and I am not using legal terms. Did 10 you ever become aware that a judge ordered your sons 11 to not use the name Flynt in isolation? 12 A. You mean a stand-alone Flynt name? 13 Q. Yes. 14 A. I recall that judge's order. 15 Q. Did you read the order? 16 A. No. 17 Q. Okay. How did you become aware of 18 that? 19 A. Well, it was in the news. It was 20 on – it was on – it was in the news. It was 21 nationally on the news. 22 Q. Okay. Did you ever have any 23 conversations with anyone concerning that? 24 A. Let's see. I spoke to Larry about it 25 and then he kept reiterating, "They need to stop so</p>
<p>1 MR. DeCARLO: Objection. That calls 2 for a legal conclusion and lacks 3 foundation. 4 Mr. Flynt, do you know what 5 "enjoined" means? 6 THE WITNESS: No. 7 MR. BROWN: Dan, I would appreciate 8 it if you didn't try to suggest an answer. 9 BY MR. BROWN: 10 Q. Do you understand that your sons were 11 ordered not to use the name Flynt in isolation on 12 their products? 13 A. I recall a TRO back after -- after 14 the AVN convention. Sometime after that. 15 Q. Do you know what a TRO is? 16 A. Temporary restraining order. 17 Q. Okay. Do you know what a preliminary 18 injunction is? 19 A. Not really. I always got those two 20 confused. 21 Q. Did you understand what the TRO 22 instructed your sons to do? 23 A. Until – I suppose. I really 24 don't – legally, I don't understand it. So for me 25 to speculate wouldn't be right.</p>	<p>1 Page 31 1 that I can stop spending money, because they have 2 already lost." I remember having that conversation 3 with Larry. 4 Q. Any other conversations -- 5 A. No. 6 Q. -- concerning an order of the court, 7 anything like that? 8 A. No. 9 MR. BROWN: Okay. Let's take a quick 10 recess. Let's go off the record. 11 (Recess taken: 11:00 a.m. to 11:16 a.m.) 12 BY MR. BROWN: 13 Q. Mr. Flynt, during the past two years 14 have you ever given your sons any advice concerning 15 setting up a business in the adult entertainment 16 industry? 17 A. No. 18 Q. How often do you talk with your boys 19 now? 20 A. Every day. 21 Q. Okay. And previously you were 22 testifying -- or you testified -- and correct me if 23 I am wrong, because my memory sometimes can be hazy, 24 I suppose. You testified earlier that prior to the 25 lawsuit you were not communicating a lot with your</p>

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<p>1 boys; is that correct?</p> <p>2 A. After their termination we were 3 estranged, because I think they felt that I could 4 have did more to save them. Because Jimmy and 5 Dustin was with my brother and myself for 15 and 10 6 years respectively without any reprimand or any 7 write-ups or any problems. So they were somewhat 8 dazed and confused by being terminated. So they 9 kind of held me responsible. And after a while, 10 after a few months, they knew I hadn't -- I 11 couldn't -- couldn't control the situation at that 12 time.</p> <p>13 Q. You are unaware of any employment</p> <p>14 problems that Dustin had at the company?</p> <p>15 A. Absolutely not.</p> <p>16 Q. And the same question for your other</p> <p>17 son, Jimmy.</p> <p>18 A. No.</p> <p>19 Q. So it was never discussed with you</p> <p>20 that there was a concern or a problem concerning</p> <p>21 their employment?</p> <p>22 A. No.</p> <p>23 Q. Where does Dustin reside now?</p> <p>24 A. In California.</p> <p>25 Q. Los Angeles County?</p>	<p>Page 34</p> <p>1 of Flynt?</p> <p>2 Q. No. I just want to know at any point</p> <p>3 in time did you spell your name -- your last name --</p> <p>4 F-l-i-n-t?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And when did that change?</p> <p>7 A. In the early '70s. My name got 8 misspelled when I was in Vietnam. When I returned 9 from Vietnam in 1969, I continued to spell my name 10 with an I. And shortly thereafter, myself and my 11 brother became very well-known in Ohio and we 12 started spelling our name F-l-y-n-t. I don't 13 think that there is any dispute that we have the 14 same mother, same father. My grandfather and 15 father and Larry's tombstone has F-l-y on it. My 16 tombstone will have F-l-y on it. So I don't think 17 that there is any dispute the proper spelling of 18 Flynt.</p> <p>19 Q. And why did you change your name back</p> <p>20 to the F-l-y-n-t?</p> <p>21 A. Well, like I said, you know, nearly 22 40 years ago we became well-known in the state of 23 Ohio. And, actually, if you look at F-l-i-n-t 24 versus F-l-y-n-t, it -- you know, Flynt has -- 25 F-l-y-n-t has a smoother font to it, I suppose. So</p>
<p>Page 35</p> <p>1 A. Yes.</p> <p>2 Q. Okay. What about your son, Jimmy?</p> <p>3 A. In Lexington, Kentucky.</p> <p>4 Q. And do you have any knowledge as to</p> <p>5 where the offices for Flynt Media Corporation</p> <p>6 reside?</p> <p>7 A. No.</p> <p>8 Q. Or did reside at any point in time?</p> <p>9 A. No.</p> <p>10 Q. And, Mr. Flynt, at any point in time</p> <p>11 did you -- did you ever see a press release released</p> <p>12 by Flynt Media Corporation?</p> <p>13 A. No.</p> <p>14 Q. Who is Bill Rix?</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know anybody by the name of</p> <p>17 Bill Rix that might have worked for your sons?</p> <p>18 A. Do not know.</p> <p>19 Q. Do you know anybody who -- other than</p> <p>20 your two sons -- that worked in some capacity with</p> <p>21 Flynt Media Corporation?</p> <p>22 A. No.</p> <p>23 Q. Mr. Flynt, have you always spelled</p> <p>24 your name -- your last name F-l-y-n-t?</p> <p>25 A. Do you want a history on the spelling</p>	<p>Page 37</p> <p>1 we chose to both sign our name F-l-y-n-t.</p> <p>2 Q. And did you ever decide to change</p> <p>3 your name back to the F-l-y-n-t because --</p> <p>4 A. I did --</p> <p>5 Q. -- because of business difficulties?</p> <p>6 A. No. No. I did that in the early 7 '70s in Columbus, Ohio, in front of a judge in 8 Columbus, Ohio.</p> <p>9 Q. Do you recall wanting to change your</p> <p>10 name because of the embarrassment?</p> <p>11 A. Wanting to change my name how from 12 embarrassment?</p> <p>13 Q. I am just asking you if there was an</p> <p>14 embarrassing issue with F-l-i-n-t spelling.</p> <p>15 A. No. I have always been proud of the 16 Flynt name and I have always made the Flynt name 17 proud of me.</p> <p>18 Q. Did your sons at any point in time</p> <p>19 discuss with you why they did not use their first</p> <p>20 names on their DVD products?</p> <p>21 A. No.</p> <p>22 Q. Did you ever ask them?</p> <p>23 A. No.</p> <p>24 MR. BROWN: Okay. Dan?</p> <p>25</p>

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<p style="text-align: right;">Page 42</p> <p>1 exhibit I have written 21-1 and then 21-2 and 21-3, 2 indicating the specific page. So I will refer to 3 those pages when I ask a question.</p> <p>4 Specifically, related to 21-1, have 5 you ever seen this e-mail before from Paul Cambria 6 to Lou Sirkin on February 25th, 2009 -- or 26th, 7 2009?</p> <p>8 A. Yes.</p> <p>9 Q. Mr. Cambria reports to Mr. Sirkin 10 that Larry had called him from Germany and indicated 11 he was "cutting Jimmy off." Had you ever heard that 12 term before "cutting off"? Is that -- strike that.</p> <p>13 Is the term "cutting off" a term that 14 Larry, in your experience, uses?</p> <p>15 MR. BROWN: Objection. Relevance.</p> <p>16 A. No. That's not what in business 17 practice you use. You know, in a business practice 18 you are going to -- if you are going to, I guess, 19 cut someone's pay off, you would terminate them. We 20 never used that terminology of cut off, no.</p> <p>21 Q. Okay. If you turn to 21-3. It's an 22 e-mail from Mr. Cambria to Mr. Lou Sirkin. He 23 indicates that if Larry has to spend any time 24 cutting Jimmy's -- I'm sorry. If he has to spend 25 any more money, he is cutting Jimmy off and using</p>	<p style="text-align: right;">Page 44</p> <p>1 of Larry's companies?</p> <p>2 A. They worked for -- like I said, Jimmy 3 and Dustin worked for Larry and I respectively for 4 15 and 10 years.</p> <p>5 Q. Okay. And Mr. Larry Flynt asked you, 6 if I understand correctly, to use whatever influence 7 that you had over your sons to try to get your sons 8 to -- strike that.</p> <p>9 What specifically did Larry Flynt 10 tell you he wanted you to do with regards to your 11 sons and the lawsuit that Mr. Flynt had filed 12 against them?</p> <p>13 A. Well, he kept -- he kept using the 14 terminology that "have them drop the suit." Well, 15 you know, they would come back to me and say, "Well, 16 we didn't file the suit. It is up to him to drop 17 the suit." And then he would -- then he would come 18 back and he would say, "Well, have them drop the 19 name." So I would -- I would pass on Larry's 20 request and demands. And -- and that is all I could 21 do.</p> <p>22 Q. Did Larry ever explain to you why he 23 thought that you had influence over your sons to get 24 them to, quote, "drop the name"?</p> <p>25 MR. BROWN: Objection. Relevance.</p>
<p style="text-align: right;">Page 43</p> <p>1 the money to fund the lawsuit.</p> <p>2 You had discussions with Mr. -- with 3 your brother, Larry Flynt, about this issue, 4 correct?</p> <p>5 A. Yes, in -- yes.</p> <p>6 Q. Did Mr. Flynt ever -- did Mr. Larry 7 Flynt ever explain to you why he felt that you could 8 control the actions of your grown sons?</p> <p>9 MR. BROWN: Objection. Relevance.</p> <p>10 Ambiguous. Vague. Leading.</p> <p>11 Q. Let me strike the question and start 12 it -- lay a little foundation, Mr. Flynt. At the 13 time that this event occurred, February of 2009, 14 your sons, Jimmy and Dustin, were how old?</p> <p>15 Approximately.</p> <p>16 A. What was the word? They were what?</p> <p>17 Q. How old.</p> <p>18 A. Oh, how old.</p> <p>19 Q. How old were they?</p> <p>20 A. 32 and 35.</p> <p>21 Q. And to your knowledge --</p> <p>22 A. 31.</p> <p>23 Q. And to your knowledge, sir, did both 24 Dustin and Jimmy their entire adult lives up to that 25 point -- or up to the point of 2007 -- work for one</p>	<p style="text-align: right;">Page 45</p> <p>1 Ambiguous. Leading.</p> <p>2 Q. You can answer, sir.</p> <p>3 A. He assumed that I was the father and 4 that I could -- could control them. But I think he 5 pretty much summed it up in another e-mail where he 6 said, "Jimmy, I can understand why they are doing 7 this to me." Larry. "I don't know why they are 8 doing this to you." So that was -- that, I guess, 9 sums it up in saying why he thought I could control 10 them.</p> <p>11 MR. DeCARLO: If we could put 12 Exhibit 24 in front of the witness. I 13 believe that is the e-mail you are talking 14 about, Mr. Flynt. (Trial Exhibit 24 was 15 referenced.)</p> <p>16 MR. BROWN: Here you go. I've placed 17 Exhibit 24 in front of the witness.</p> <p>18 BY MR. DeCARLO:</p> <p>19 Q. Mr. Flynt, would you take a look at 20 that for me, please.</p> <p>21 A. Yes.</p> <p>22 Q. You have seen that e-mail before?</p> <p>23 A. Yes.</p> <p>24 Q. This is from Courtney Vitti. Do you</p>

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<p style="text-align: right;">Page 46</p> <p>1 know that to be Mr. Flynt's secretary?</p> <p>2 A. Yes. And that is Larry's e-mail.</p> <p>3 Q. Okay. And do you recall him sending</p> <p>4 you two invoices relating to the litigation?</p> <p>5 A. Yes.</p> <p>6 Q. It was your understanding that he</p> <p>7 wanted you to pay them?</p> <p>8 MR. BROWN: Objection.</p> <p>9 A. Yes.</p> <p>10 MR. BROWN: Relevance. Ambiguous.</p> <p>11 A. Yes. I think they were -- I think</p> <p>12 they were for, like, around -- around 50,000 or</p> <p>13 something.</p> <p>14 Q. Do you recall what they specifically</p> <p>15 were for?</p> <p>16 A. For a survey or something.</p> <p>17 Q. Mr. Flynt, did your brother, Larry</p> <p>18 Flynt, ever explain to you what he meant by the</p> <p>19 statement, "I can't -- I cannot understand why they</p> <p>20 are doing it to you"?</p> <p>21 A. Well, I think it is very obvious that</p> <p>22 it had to do with my -- with my money is that --</p> <p>23 that is what I take from it.</p> <p>24 Q. Did he ever offer any explanation to</p> <p>25 you for why he thought it was appropriate or okay to</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. In February of 2008 you indicated</p> <p>2 that your salary had actually been placed -- or your</p> <p>3 pay from Flynt Management Group had actually been</p> <p>4 placed in your bank account; is that correct?</p> <p>5 A. Yes. I had direct transfer, direct</p> <p>6 deposit, and they put it in on a -- they put it in</p> <p>7 on a Friday morning and backed it out on a Friday.</p> <p>8 Q. So the money, to your knowledge, was</p> <p>9 actually at one point in your account?</p> <p>10 A. Yes.</p> <p>11 Q. And then it was taken out of your</p> <p>12 account?</p> <p>13 A. Yes. And he called -- he evidently</p> <p>14 called someone from Germany, from Europe, as he had</p> <p>15 called me and Lou Sirkin, to indicate what his plans</p> <p>16 were. And he obviously called someone else to have</p> <p>17 that electronic transfer of money redirected.</p> <p>18 Q. Did anyone ever ask your permission</p> <p>19 for whether or not money could be removed from your</p> <p>20 bank account?</p> <p>21 MR. BROWN: Objection. Relevance.</p> <p>22 A. I tried -- when I -- when I got --</p> <p>23 when I looked at the bank account, I asked them what</p> <p>24 happened, and they said they really didn't know. So</p> <p>25 I just assumed that, you know, that is -- that is</p>
<p style="text-align: right;">Page 47</p> <p>1 use your pay as a lever to try to get your sons to</p> <p>2 do what he wanted them to do?</p> <p>3 MR. BROWN: Objection. The question</p> <p>4 is leading, ambiguous, compound. And also</p> <p>5 inserting a relevance objection.</p> <p>6 Q. Do you understand my question,</p> <p>7 Mr. Flynt?</p> <p>8 A. It's -- I think it's very simple,</p> <p>9 both from -- well, a layman's viewpoint is that --</p> <p>10 that to control one's income that you can control</p> <p>11 their actions and force them to do things that they</p> <p>12 wouldn't otherwise do. So you -- you cut -- you</p> <p>13 cut -- you cut the food chain loose, you know.</p> <p>14 Q. When Mr. Larry Flynt made these</p> <p>15 requests of you with regard to what he wanted you to</p> <p>16 do vis-a-vis your sons, did you, in fact, try to</p> <p>17 prevail on your sons to do what Larry wanted them to</p> <p>18 do?</p> <p>19 MR. BROWN: Objection. Relevance.</p> <p>20 A. Many, many times.</p> <p>21 Q. So you were unable or you did not</p> <p>22 meet with any success in having your sons agree to</p> <p>23 Larry's requests?</p> <p>24 A. Had no success. They did not -- they</p> <p>25 did not listen to me.</p>	<p style="text-align: right;">Page 49</p> <p>1 what it was. In fact, it went in the account and a</p> <p>2 few hours later it was backed out of the account and</p> <p>3 it was gone.</p> <p>4 Q. No one at the bank ever advised</p> <p>5 you --</p> <p>6 A. No.</p> <p>7 Q. -- how something like that can even</p> <p>8 happen?</p> <p>9 A. No.</p> <p>10 Q. Since February of 2009 when this</p> <p>11 event occurred about your money being backed out of</p> <p>12 your account, and other than the \$10,000 check that</p> <p>13 you said Larry sent you sometime after February of</p> <p>14 2009, have you received any other money --</p> <p>15 A. None.</p> <p>16 Q. -- from --</p> <p>17 MR. BROWN: Objection.</p> <p>18 A. No.</p> <p>19 MR. BROWN: Relevance.</p> <p>20 Q. Okay. And after February of 2009 has</p> <p>21 your brother indicated that he intends to reinstate</p> <p>22 your pay?</p> <p>23 MR. BROWN: Objection. Relevance.</p> <p>24 No foundation.</p> <p>25 A. Well, on various occasion -- on</p>

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<p>1 various occasions that if I could settle this 2 trademark case and if my sons both -- he passed the 3 word to them and to me that if we could resolve this 4 trademark case that he would reinstate me.</p> <p>5 Q. At your -- at your previous pay?</p> <p>6 A. At my previous pay.</p> <p>7 Q. Do you know if that offer from your 8 brother is still -- has he reiterated that offer 9 recently?</p> <p>10 MR. BROWN: Objection. Relevance.</p> <p>11 A. No.</p> <p>12 Q. Have you talked to your brother about 13 this lawsuit recently?</p> <p>14 A. No.</p> <p>15 Q. Okay. Mr. Flynt, I would like 16 you -- I would like to go back and ask you a few 17 questions about what you were talking about with 18 Mr. Brown earlier about your fame. In the movie 19 The People vs. Larry Flynt, I presume you have seen 20 it?</p> <p>21 A. Yes.</p> <p>22 Q. And you are featured somewhat 23 prominently in that movie, correct?</p> <p>24 A. Yes.</p> <p>25 MR. BROWN: Objection. Ambiguous.</p>	<p>1 A. Yes. 2 Q. We'll call it the mid-'80s. During 3 that time period, that five- or six-month time 4 period in the mid-'80s, is the movie depiction 5 accurate in terms of you being the person who is in 6 charge of running Hustler?</p> <p>7 MR. BROWN: Objection.</p> <p>8 A. Yes.</p> <p>9 MR. BROWN: Relevance. Ambiguous.</p> <p>10 Q. And how did that come to pass? 11 Specifically, did Larry ask you to do it? Do you 12 recall how it came to be that you became the person 13 in charge of Hustler while Larry was unavailable?</p> <p>14 MR. BROWN: Objection. Relevance.</p> <p>15 Ambiguous.</p> <p>16 A. Well, they --</p> <p>17 MR. BROWN: Vague.</p> <p>18 A. They explained to me at the time -- 19 the attorneys explained to me at the time that the 20 fiduciary duty went first to his wife, spouse, who 21 was incapacitated and unable to perform those 22 duties. And then I guess it went to the parent. 23 And both my mother and father was incapable of that 24 task. And then it went to a sibling, who is me, and 25 a judge in Los Angeles appointed me conservator.</p>
<p>1 Vague. Leading.</p> <p>2 Q. In your opinion, are you prominently 3 featured in that movie?</p> <p>4 A. Yes.</p> <p>5 MR. BROWN: Same objection.</p> <p>6 Q. And, Mr. Flynt, there is a -- there 7 is a scene in the movie which depicts you for some 8 period of time as taking over the Hustler business 9 while, I believe, Larry was either incarcerated or 10 unavailable. Do you recall that scene?</p> <p>11 A. Yes, that was during the 12 conservatorship time that a federal judge in 13 Los Angeles sent my brother to federal authorities 14 for psychological evaluation.</p> <p>15 Q. Do you recall how long your brother 16 was -- your brother, Larry, was away for that 17 psychological evaluation?</p> <p>18 MR. BROWN: Objection. Relevance.</p> <p>19 A. Oh, about -- about five or six 20 months.</p> <p>21 Q. And during that -- do you remember 22 the time frame? What year was that; do you 23 remember?</p> <p>24 A. Oh, '83, '84, '85.</p> <p>25 Q. Okay. So in the mid-'80s?</p>	<p>1 Q. And as part of your duty as the 2 conservator, you were in charge of operating the 3 Hustler business?</p> <p>4 A. Yes.</p> <p>5 Q. To your knowledge at that time, did 6 Larry approve of you being appointed as the 7 conservator to operate the Hustler business?</p> <p>8 MR. BROWN: Objection. Relevance.</p> <p>9 Ambiguous. Vague.</p> <p>10 Q. And let me make sure my question is 11 clear, Mr. Flynt. I am asking you: At that time 12 did your brother, Larry, in any way communicate to 13 you that he was in agreement that you should be the 14 person that should be the conservator to take over 15 the operations of the Hustler business?</p> <p>16 MR. BROWN: Objection. Vague.</p> <p>17 Leading. Relevance.</p> <p>18 A. Well, you know, he was -- he was -- 19 best I remember, he was okay with it, but then he 20 was on again, off again, and that is why he was 21 where he was at for evaluation.</p> <p>22 Q. You testified that going back to the 23 '70s, you and your brother -- well, strike that.</p> <p>24 I would like for you to indulge us a 25 little and give us a short -- well, strike that.</p>

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<p>1 When did you, sir, enter the adult 2 business? When did you first start working in the 3 adult entertainment business?</p> <p>4 A. 1969 I entered – I returned from 5 Vietnam in April of 1969 and my brother and I opened 6 a club in November of 1969, which is 40 years ago 7 next month. And that was my – that was, quote – I 8 was 20 years old and that was my first venture in, 9 quote, the – the world of erotica.</p> <p>10 Q. And then for the next five years, 11 from 1969 to, say, 1974, did you and your brother 12 operate any other clubs that were in – that were 13 involved in the adult entertainment industry?</p> <p>14 MR. BROWN: Objection. Relevance. 15 Ambiguous. Calls for a narrative.</p> <p>16 A. We opened – we opened several clubs 17 around the state of Ohio in the early 1970s. And 18 then I owned – I owned those clubs at that time and 19 we were partners and that didn't – that didn't make 20 a difference.</p> <p>21 And, also, in 1974 when we launched 22 the magazine from Columbus, Ohio, I also owned the 23 magazine. And we have always been, quote, 24 protective of one another and we have always been 25 brothers and shared in the ups and downs of the</p>	<p>Page 54</p> <p>1 earned in various capacities from the adult 2 entertainment business?</p> <p>3 A. Yes.</p> <p>4 Q. And in your opinion, you have earned 5 a significant amount of notoriety by virtue of your 6 activities in the adult entertainment industry?</p> <p>7 A. Yes.</p> <p>8 Q. And your brother, Larry, has earned a 9 significant amount of notoriety in the adult 10 entertainment business, as well, I believe, as you 11 have indicated?</p> <p>12 A. Yes.</p> <p>13 MR. DeCARLO: If you could, please, I 14 would like to place in front of the 15 witness a series of photographs. There 16 are eight photographs --</p> <p>17 MR. SIRKIN: We need a time-out.</p> <p>18 MR. HOJNOSKI: Dan, before you finish 19 that question, we are going to take a 20 couple-minute restroom break, if you don't 21 mind.</p> <p>22 MR. DeCARLO: Not at all.</p> <p>23 MR. HOJNOSKI: Thank you.</p> <p>24 (Recess taken: 11:49 a.m. to 11:55 a.m.)</p> <p>25 MR. DeCARLO: Okay. Can we mark as</p>
<p>1 business.</p> <p>2 Q. When do you recall, Mr. Flynt, first 3 starting to get some press coverage of your 4 businesses, either the clubs or the publication? 5 You know, when did -- when, to your recollection, 6 did the press start paying attention to what you and 7 your brother were doing?</p> <p>8 MR. BROWN: Objection. Relevance.</p> <p>9 A. Well, you know, we were – we were 10 always known as the Flynt brothers from a -- you 11 know, from the midwest. When we launched the 12 magazine, I was co-publisher.</p> <p>13 Q. Was that indicated on the masthead, 14 by the way?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. How long were you listed on the 17 masthead as the co-publisher for Hustler?</p> <p>18 MR. BROWN: Objection. Relevance. 19 Calls for speculation.</p> <p>20 A. Oh, several -- several issues. And 21 then I took another – I took another position and 22 his wife at that time, then, was put on the 23 masthead.</p> <p>24 Q. So from 1969 through the current time 25 period, roughly 40 years, your livelihood has been</p>	<p>Page 55</p> <p>1 an exhibit -- we will mark as 2 Exhibit 414 -- if we could mark as Trial 3 Exhibit 414 a series of eight photographs 4 and if that could be placed in front of 5 the witness.</p> <p>6 MR. BROWN: Okay. Dan, just to be 7 clear, you are speaking to the photographs 8 that were sent to us yesterday?</p> <p>9 MR. DeCARLO: Right. I'm sorry. 10 It's six photographs, not eight.</p> <p>11 MR. BROWN: Okay. I am objecting for 12 the record. These documents were sent and 13 produced yesterday. I believe they should 14 have been disclosed earlier. Therefore, I 15 am objecting to the use of them and 16 reserve any right to bring any type of 17 motion related to these exhibits.</p> <p>18 That being said, I am placing what is 19 now marked Exhibit 414 in front of the 20 witness, which is six pages and a series 21 of the photographs that were submitted 22 yesterday.</p> <p>23 (Trial Exhibit 414 was 24 marked for 25 identification.)</p>

15 (Pages 54 to 57)

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<p>1 BY MR. DeCARLO:</p> <p>2 Q. Mr. Flynt, you are familiar with</p> <p>3 retail stores under the Hustler brand; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And through your career you have been</p> <p>7 involved in various capacities in the operation of</p> <p>8 Hustler-branded retail stores?</p> <p>9 A. I actually started and opened the</p> <p>10 first one in the late '90s - '97, '98 - in</p> <p>11 Cincinnati, and the retail idea and chain grew out</p> <p>12 of that first location in Cincinnati.</p> <p>13 Q. These are -- and today do you know</p> <p>14 how many Hustler retail stores there are across the</p> <p>15 country?</p> <p>16 MR. BROWN: Objection. Relevance.</p> <p>17 Ambiguous. Seeks information not relevant</p> <p>18 to this action.</p> <p>19 A. I believe there's eight. I believe</p> <p>20 there's eight or nine, including Cincinnati.</p> <p>21 Q. Have you been to all eight or nine of</p> <p>22 the Hustler retail stores? Have you personally been</p> <p>23 to all of them?</p> <p>24 A. I opened all of them.</p> <p>25 Q. When you say you opened all of them,</p>	<p>1 '97 when we -- when we, Larry and I, designed the</p> <p>2 idea of rolling out these retail stores.</p> <p>3 Q. Mr. Flynt, are you on the Hollywood</p> <p>4 Walk of Fame?</p> <p>5 A. Yes. On Sunset Boulevard, yes.</p> <p>6 Q. Your handprints are on Sunset</p> <p>7 Boulevard on the Hollywood Walk of Fame?</p> <p>8 A. Yes.</p> <p>9 Q. Is the "Relax...It's Just Sex" slogan</p> <p>10 on that -- on that?</p> <p>11 A. Yes, along with my signature.</p> <p>12 Q. Is the "Relax...It's Just Sex" slogan</p> <p>13 depicted in all of the Hustler retail stores?</p> <p>14 A. Yes.</p> <p>15 Q. Is it -- would you -- would you say</p> <p>16 that the sign that is depicted on page 414-4, would</p> <p>17 you say that that is a prominent use of the slogan?</p> <p>18 MR. BROWN: Objection. Ambiguous.</p> <p>19 Relevance. Leading.</p> <p>20 A. Yes.</p> <p>21 Q. And in the other Hustler locations,</p> <p>22 do they all have the sign, "Relax...It's Just Sex"?</p> <p>23 A. Yes.</p> <p>24 MR. BROWN: Objection. Relevance.</p> <p>25 Leading.</p>
<p>1 what does that mean?</p> <p>2 A. I found the location, I built them, I</p> <p>3 opened the doors and turned on the lights.</p> <p>4 Q. The photographs I have placed in</p> <p>5 front of you, Mr. Flynt, there is a series of six</p> <p>6 photographs which we have marked as Exhibit 414,</p> <p>7 have you ever seen these photographs before?</p> <p>8 A. Yes.</p> <p>9 Q. Are all of -- are all of these</p> <p>10 photographs photographs of the same location?</p> <p>11 A. No.</p> <p>12 Q. Are these photographs -- let's start</p> <p>13 with page 1 of 414. Actually, let's start with</p> <p>14 page -- page 4 of 414.</p> <p>15 A. Okay.</p> <p>16 Q. Do you know which Hustler retail</p> <p>17 store that is, which location?</p> <p>18 A. That's St. Louis.</p> <p>19 Q. Okay. Now, there is a big sign,</p> <p>20 "Relax...It's Just Sex," and then it says "Jimmy</p> <p>21 Flynt" after it.</p> <p>22 A. Yes.</p> <p>23 Q. Is that a slogan that you came up</p> <p>24 with?</p> <p>25 A. Yeah, I coined that phrase in about</p>	<p>1 Page 59</p> <p>2 Q. In a manner that is as prominent as</p> <p>3 depicted in Exhibit 414-4?</p> <p>4 MR. BROWN: Objection. Ambiguous.</p> <p>5 Relevance.</p> <p>6 A. We -- we redesigned a couple of the</p> <p>7 stores and re-merchandised them a little bit so that</p> <p>8 we could increase the product space and might</p> <p>9 have -- you know, might have shrank them a little</p> <p>10 bit. But all of them -- all of the stores have the</p> <p>11 quote, "Relax...It's Just Sex."</p> <p>12 Q. Are there any slogans throughout any</p> <p>13 of the Hustler stores, to your knowledge, quoting</p> <p>14 anything from Larry Flynt?</p> <p>15 MR. BROWN: Objection. Relevance,</p> <p>16 ambiguous, and calls for speculation.</p> <p>17 A. No.</p> <p>18 Q. Did you discuss with Mr. Larry Flynt</p> <p>19 the business reason for using this slogan in the</p> <p>20 manner that it is being used in these Hustler retail</p> <p>21 stores?</p> <p>22 MR. BROWN: Objection. Relevance.</p> <p>23 A. Well, everybody agreed that it was</p> <p>24 kind of a cool quote, eye catching. We use it on</p> <p>25 apparel, shirts, different product. It's a catchy</p> <p>phrase. In fact, a lot of well-known companies use</p>

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<p>1 it now.</p> <p>2 Q. And it's been used in -- strike that.</p> <p>3 It's been used since 1997, is that</p> <p>4 your testimony?</p> <p>5 A. Yes.</p> <p>6 Q. In your opinion, Mr. Flynt, is it a</p> <p>7 well-known slogan in the adult entertainment</p> <p>8 industry?</p> <p>9 MR. BROWN: Objection. Relevance.</p> <p>10 A. Yes.</p> <p>11 Q. And it is readily apparent to</p> <p>12 consumers who shop at the Hustler retail stores;</p> <p>13 true?</p> <p>14 MR. BROWN: Objection. Relevance.</p> <p>15 Calls for speculation.</p> <p>16 A. Yes.</p> <p>17 Q. Mr. Flynt, in your opinion, does the</p> <p>18 "Relax...It's Just Sex" slogan -- has that</p> <p>19 contributed to your fame or notoriety in the adult</p> <p>20 entertainment industry?</p> <p>21 MR. BROWN: Objection. Relevance.</p> <p>22 Also calls for speculation.</p> <p>23 A. It's -- I was always credited with</p> <p>24 the quote from various people as the -- it's a cool</p> <p>25 quote and I was always associated with that quote.</p>	<p>1 Mr. Flynt?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know -- do you know what</p> <p>4 Cincinnati Magazine is?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And is it true that you</p> <p>7 were interviewed extensively for this story?</p> <p>8 A. Yes.</p> <p>9 Q. In your opinion, do you have a</p> <p>10 significant amount of fame in Cincinnati?</p> <p>11 MR. BROWN: Objection. Relevance.</p> <p>12 Also speculative.</p> <p>13 A. I am -- I am quite -- quite known</p> <p>14 around town.</p> <p>15 Q. And do you have -- can you tell me</p> <p>16 why you are quite known around town in Cincinnati?</p> <p>17 MR. BROWN: Objection. Calls for</p> <p>18 speculation. Relevance.</p> <p>19 A. Well, for the last -- for the last 40</p> <p>20 years myself and my brother have been in the media</p> <p>21 quite often. And, you know, the name Flynt is</p> <p>22 always somewhat controversial around the Ohio</p> <p>23 market. And my brother and I kind of look alike and</p> <p>24 we are quite recognizable.</p> <p>25 Q. Let me ask you a couple of questions</p>
<p>1 Q. Do you personally, Mr. Flynt, have</p> <p>2 any objection to your sons using their last name,</p> <p>3 Flynt, in association with any businesses that they</p> <p>4 operate?</p> <p>5 MR. BROWN: Objection. Relevance.</p> <p>6 A. No.</p> <p>7 MR. DeCARLO: Okay. I would like to</p> <p>8 place in front of the witness as</p> <p>9 Exhibit 415 an article from June 2002 in</p> <p>10 the Cincinnati Magazine.</p> <p>11 MR. BROWN: Okay. And I am also</p> <p>12 objecting to this as not being previously</p> <p>13 disclosed. It was provided to us for the</p> <p>14 first time yesterday. So the same set of</p> <p>15 objections.</p> <p>16 415 did you say, Dan?</p> <p>17 MR. DeCARLO: Yeah.</p> <p>18 MR. BROWN: Okay. I am placing in</p> <p>19 front of the witness an excerpt -- or what</p> <p>20 appears to be an excerpt from Cincinnati</p> <p>21 Magazine dated June 2002.</p> <p>22 (Trial Exhibit 415 was</p> <p>23 marked for</p> <p>identification.)</p> <p>24 BY MR. DeCARLO:</p> <p>25 Q. Do you remember this article,</p>	<p>1 about the name -- the spelling of the name. You and</p> <p>2 your brother, Larry, you said, have both the same</p> <p>3 mother and father?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know how your father spelled</p> <p>6 his last name?</p> <p>7 A. My father, prior to the military in</p> <p>8 the early 1940s, spelled it with a Y. But when he</p> <p>9 was drafted in World War II, just like a lot of</p> <p>10 immigrants coming into the U.S. through Ellis</p> <p>11 Island, they got their names spelled wrong or</p> <p>12 shortened. My father's name somehow got spelled</p> <p>13 with an I in the military. I don't think he had a</p> <p>14 real problem with that because there were close</p> <p>15 relatives of his in Kentucky who spelled it with an</p> <p>16 I also. But my father's father, my grandfather,</p> <p>17 spelled it with a Y. When he got out of the</p> <p>18 military in the late '40s, he kind of continued to</p> <p>19 spell it with an I. And then later on in life I</p> <p>20 noticed he had spelled it with a Y.</p> <p>21 Q. So do you know why on your birth</p> <p>22 certificate it indicated F-l-i-n-t as opposed to</p> <p>23 F-l-y-n-t?</p> <p>24 A. Well, both Larry and I were born at</p> <p>25 home, you know, midwives and in the hills of Eastern</p>

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<p>1 Kentucky. It was quite easy to get that name 2 spelled wrong under those circumstances. And it 3 wasn't any big deal because it was one big Flynt 4 family back there and some spelled it with an I and 5 some spelled it with a Y, but we were all blood 6 connected.</p> <p>7 Q. So in the mid-'70s when you formally 8 changed the spelling of your name from I to Y, what 9 was your thought process, if you can recall, as to 10 why you decided it was time to formally change the 11 way it was spelled?</p> <p>12 A. Well, like I said before, my brother 13 and I were becoming well-known around the Ohio 14 market. And to be quite frank with you, the name 15 F-l-y-n-t had a -- had a cooler font to it, so to 16 speak, than F-l-i-n-t. And then, you know, you have 17 an older brother and, you know -- you know, you just 18 end up wanting to -- wanting to -- wanting to sign 19 your name the same. So on my -- on my birth 20 certificate and discharge from the Army, I had 21 F-l-i-n-t, and I went into Common Pleas Court in 22 Columbus, Ohio, in 1975 and had it officially 23 changed from I to Y.</p> <p>24 Q. By the way, back to the issue -- back 25 to the question about The People vs. Larry Flynt and</p>	<p>1 that we were involved in together.</p> <p>2 Q. Do you recall if either one of those 3 trials garnered press coverage?</p> <p>4 A. Well, it was in 1997 -- I mean, 1977 5 they had us charged with organized crime and Paul 6 Cambria got me acquitted and my brother was found 7 guilty, which immediately gave him a podium and he 8 took advantage of it. And then there was no -- 9 there was no resolution to the '98 case, '99 case, 10 other than the corporation that I owned at that time 11 pleaded guilty.</p> <p>12 Q. Do you recall if either one of those 13 trials generated a significant amount of press 14 coverage?</p> <p>15 MR. BROWN: Objection. Calls for 16 speculation.</p> <p>17 Q. If you can remember.</p> <p>18 A. Well, they both -- they both created 19 a tremendous amount of publicity at that time, both 20 in the '70s and in the '90s, because I had opened 21 this store in Cincinnati and the media was calling 22 from all around the world wanting to know why I was 23 arrested for operating a retail outlet. So we --</p> <p>24 Q. Do you have -- I'm sorry. Go ahead.</p> <p>25 A. We -- Larry and I both got a</p>
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<p>1 when you spoke of that period of time as Larry's 2 conservator, I believe there is also a scene in the 3 movie when Larry comes back where he whispers in 4 your ear, I think it was, "I love you."</p> <p>5 A. Yeah.</p> <p>6 Q. Is the movie accurate in the sense 7 that Larry was very grateful about what you did 8 while he was unavailable?</p> <p>9 MR. BROWN: Objection. Relevance.</p> <p>10 A. I think -- I think so. I think so. 11 You know, it's hard to share one's feeling when they 12 are in a predicament like that when a blood relative 13 does something as grand as that and not only 14 preserving your assets but keeping your name and 15 reputation intact.</p> <p>16 Q. And you indicated that you have also 17 stood trial with your brother, Larry, on more than 18 one occasion for criminal charges?</p> <p>19 MR. BROWN: Objection. Relevance.</p> <p>20 A. Yeah, we were -- we were on trial in 21 a criminal action in 1977. By the way, Paul Cambria 22 with Mr. Brown's firm represented me. And I was 23 also on trial with my brother in 1997, '98 in 24 Cincinnati. Mr. Cambria was also my attorney. So, 25 yes, that's the two major nationally known cases</p>	<p>1 tremendous amount of publicity over opening a 2 hole-in-the-wall store in Cincinnati.</p> <p>3 Q. Do you have an opinion, Mr. Flynt, 4 about whether the press coverage from the '77 trial 5 or the late '90s trial contributed to your notoriety 6 or fame?</p> <p>7 MR. BROWN: Objection. Calls for 8 speculation. And relevance.</p> <p>9 A. Well, I think it contributed to the 10 notoriety as, quote, the Flynt brothers, and I think 11 they were synonymous together with Hustler. And we 12 kind of shared -- Larry and I kind of shared 13 different responsibilities. You know, he was -- he 14 was the spokesperson and the out-front character and 15 outrageous individual out there and I was more of 16 the social animal in the background who kept things 17 glued together.</p> <p>18 Q. I have come to learn, Mr. Flynt, 19 throughout this case that there is a fairly 20 substantial industry press operation now: AVN, 21 XBIZ. Are you familiar with AVN and XBIZ?</p> <p>22 A. Yes.</p> <p>23 Q. And they report on the adult 24 industry, correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Back in the '70s when you were on 2 trial, was there the equivalent of an industry press 3 core like XBIZ or AVN today? Was there any 4 equivalent back in the late '70s to that?</p> <p>5 A. No.</p> <p>6 MR. BROWN: Objection. Calls for 7 speculation.</p> <p>8 A. No.</p> <p>9 Q. So the press coverage that you 10 received in the late '70s for the trial would have 11 been the general press, not the adult press?</p> <p>12 MR. BROWN: Objection. Relevance and 13 calls for speculation.</p> <p>14 A. Yes. Yes.</p> <p>15 Q. How about the late '90s? To your 16 recollection, was AVN a press -- a force of -- 17 strike that.</p> <p>18 Was AVN active in the late '90s, to 19 your knowledge, in the adult entertainment industry?</p> <p>20 A. Yes.</p> <p>21 MR. BROWN: Objection. Calls for 22 speculation. Relevance.</p> <p>23 Q. And how do you know that?</p> <p>24 A. Well, I mean, I think -- I think AVN 25 came out in the early '80s. XBIZ wasn't around at</p>	<p style="text-align: right;">Page 72</p> <p>1 Flynt name in the adult entertainment industry 2 because they were angry with Larry?</p> <p>3 A. No.</p> <p>4 Q. Did they ever express to you any 5 anger they had with being terminated from the LFP 6 family of companies?</p> <p>7 A. I would say more confused because of 8 their time of employment. Like I said, 15 and 10 9 years without any disruption, reprimand, write-up, 10 coaching. Kind of got blindsided by the termination 11 and didn't quite understand it. I don't think there 12 was hostility or anybody mad. Just confusion.</p> <p>13 Q. Are you aware of any statement made 14 by your son, Jimmy, that, "We are forming this 15 company, Flynt Media Corporation, because of what 16 Larry did to us"?</p> <p>17 A. No.</p> <p>18 Q. Okay. And I want to reference this 19 exhibit that Mr. DeCarlo had provided to us, 20 Exhibit 415. And I am on -- oh, what is it? -- 21 page 88. It looks like it's -- one, two, three -- 22 four pages in.</p> <p>23 Okay. And there is -- on the second 24 column -- and I will just start here. If you go to 25 the second full paragraph, it says, "There was a</p>
<p style="text-align: right;">Page 71</p> <p>1 that time.</p> <p>2 MR. DeCARLO: Okay. Thank you, 3 Mr. Flynt. I don't have any further 4 questions for you.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. BROWN: Okay. I just have -- I 7 just have a few more.</p> <p>8 REDIRECT EXAMINATION</p> <p>9 BY MR. BROWN:</p> <p>10 Q. Mr. Flynt, Exhibit 414 is in front of 11 you. It's the series of photographs that 12 Mr. DeCarlo identified. You said you recognized 13 those photographs. Is that your testimony?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. When was the last time you saw 16 those photographs?</p> <p>17 A. Probably three or four years ago.</p> <p>18 Q. Okay. And the same thing with the 19 Cincinnati Magazine, Exhibit 415. When was the last 20 time you saw that magazine -- or that excerpt of the 21 June 2002 issue?</p> <p>22 A. It has been a long time. Three or 23 four years, probably.</p> <p>24 Q. Did your sons at any point in time 25 convey to you the idea that they were using the</p>	<p style="text-align: right;">Page 73</p> <p>1 telling moment in the brothers' 1999 obscenity trial 2 in Hamilton County. It was during jury selection 3 (ultimately, the whole affair was plea bargained; 4 there was no trial) when a potential juror mentioned 5 that he'd seen the movie The People vs. Larry Flynt 6 staring Woody Harrelson.</p> <p>7 "A prosecutor asked what the man 8 remembered about Larry Flynt from the movie. 9 "I liked Woody Harrelson." 10 "And Jimmy Flynt?" 11 "The juror looked at Jimmy. 'I don't 12 remember Jimmy,' he said apologetically." 13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. In your mind, you know -- 16 well, let me back up. In your mind, have you ever 17 been the butt of a joke, so to speak, that your 18 brother is the most famous person in the family and 19 you are the -- you are the second -- second one down 20 on the fame scale?</p> <p>21 MR. DeCARLO: Objection. That is 22 vague and ambiguous.</p> <p>23 A. I think what they are talking about 24 there more is Woody than Larry. And like I said in 25 the past, you know, that we have shared the</p>

<p>1 limelight equally and him being infamous and me 2 being famous. I don't know what kind of level or 3 what kind of meter or gauge you put on that. But, 4 yeah, I think they were more infatuated with Woody 5 Harrelson, myself.</p> <p>6 MR. BROWN: Okay. I don't have 7 anything further.</p> <p>8 RECROSS-EXAMINATION</p> <p>9 BY MR. DeCARLO:</p> <p>10 Q. I have one follow-up question, 11 Mr. Flynt. I don't think I asked this before about 12 the movie.</p> <p>13 MR. BROWN: Same objections, by the 14 way.</p> <p>15 Q. Okay. Is the movie accurate in that 16 when Larry came back he told you he loved you?</p> <p>17 A. Yes.</p> <p>18 MR. BROWN: Asked and answered.</p> <p>19 A. Yes.</p> <p>20 MR. DeCARLO: Okay. I don't have 21 anything else.</p> <p>22 MR. BROWN: Okay. Thank you, 23 Mr. Flynt.</p> <p>24 Let's go off the record for a 25 minute.</p>	<p>Page 74</p> <p>1 MR. BROWN: Thank you. 2 3 4</p> <p>5 JIMMY FLYNT</p> <p>6 7 8 (Deposition concluded at 12:26 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 76</p> <p>1 2 3 4</p> <p>5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 (Recess taken: 12:23 p.m. to 12:25 p.m.) 2 MR. BROWN: The attorneys for 3 Mr. Flynt and the attorneys for the 4 defendants and the plaintiffs' counsel 5 have all met and conferred off the record 6 regarding the transcript. The original 7 will go to the Reminger firm's law office 8 and he will then transmit it to Mr. Flynt 9 for his review. Mr. Flynt will have 20 10 days upon receipt in which to review and 11 make any corrections and sign the 12 transcript. If he does not provide us 13 with the original signature, the 14 deposition transcript will be deemed 15 executed after the 20 days. Moreover, if 16 the original -- the original will be, 17 then, transmitted to my office in Buffalo, 18 New York. This is Mr. Brown. I will 19 maintain the original for purposes of the 20 trial. If the original is lost or 21 misplaced, a certified copy can stand in 22 its place. Is that agreeable?</p> <p>23 MR. DeCARLO: That is agreeable to 24 me.</p> <p>25 MR. HOJNOSKI: Fine with me.</p>	<p>Page 75</p> <p>1 2 3 4</p> <p>5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>Page 77</p> <p>1 C E R T I F I C A T E 2 S T A T E O F O H I O : 3 : S S 4 C O U N T Y O F H A M I L T O N : 5 I, Lisa L. Weisenberger, a duly qualified 6 and commissioned notary public in and for the State 7 of Ohio, do hereby certify that prior to the giving 8 of his deposition, the within named JIMMY FLYNT was 9 by me first duly sworn to testify the truth, the 10 whole truth and nothing but the truth; that the 11 foregoing pages constitute a true and correct 12 transcript of testimony given at said time and place 13 by said deponent; that said deposition was taken by 14 me in stenotypy and transcribed under my 15 supervision; that I am neither a relative of nor 16 attorney for any of the parties to this litigation, 17 nor relative of nor employee of any of their 18 counsel, and have no interest whatsoever in the 19 result of this litigation. I further certify that I 20 am not, nor is the court reporting firm with which I 21 am affiliated, under a contract as defined in Civil 22 Rule 28(D). 23 IN WITNESS WHEREOF, I hereunto set my hand and 24 official seal of office, at Cincinnati, Ohio, this 25 27th day of October, 2009.</p> <p>24 M Y C O M M I S S I O N E X P I R E S : S / L I S A L . W E I S E N B E R G E R , R P R August 30, 2013 N O T A R Y P U B L I C , S T A T E O F O H I O</p>	<p>Page 77</p>

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IT'S JUST SEX

BY
JAY

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